

AMENDED IN SENATE MAY 15, 2014

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1089

**Introduced by Assembly Member Ian Calderon
(Coauthors: Assembly Members Brown, Maienschein, Ting, and
Wilk)**

February 22, 2013

An act to add ~~Section 56426.10 to the Education Code~~, to amend Section 95014 of the Government Code, and to amend ~~Sections 4514 and Section 4643.5~~ of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Ian Calderon. Foster care.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities and their families. The services and supports to be provided to a regional center consumer are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

Existing law also provides that if a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be considered eligible by any other regional center if he or she has moved to another location within the state. In addition, existing law provides that whenever a consumer transfers from one regional center catchment

area to another, the level and types of services and supports specified in the consumer's individual program plan shall be authorized and secured, as specified.

~~Existing law also requires an early education program provided by a local educational agency to include services specially designed to meet the unique needs of children with exceptional needs from birth to 3 years of age and their families.~~

This bill would specify the transfer procedures that would apply when a consumer of regional center services who has an order for foster care, is awaiting foster care placement, or is placed in out-of-home care transfers between regional centers ~~or local educational agencies~~. Among other things, the bill would require the county social worker or county probation officer to immediately send a notice of relocation, as defined, to the sending regional center of the, and would require the sending regional center to immediately send a notice of transfer, as defined, *and records needed for the planning process* to the receiving regional center, as specified. The bill would ~~specifically provide that these procedures and timelines apply to local educational agencies~~. *establish specific timelines and procedures for making these transfers*. By imposing new duties and a higher level of service on county employees, the bill would impose a state-mandated local program.

~~Existing law generally provides that information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential. Existing law authorizes the release of the information and records to specified persons and entities.~~

~~This bill would provide that a consumer of regional services, or an infant or toddler receiving early intervention services, who meets specified criteria is entitled to a complete copy, or any requested portion thereof, at no charge, of his or her regional center records upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. The bill would also authorize the release of the information and records to the education rights holder.~~

The bill would include a statement of legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Children in foster care are at increased risk for serious
3 developmental delays and disabilities as a result of abuse, neglect,
4 and prenatal exposure to drugs.

5 (b) Timely and consistent provision of quality remediation and
6 therapeutic services for children with developmental delays and
7 disabilities, such as those provided by California's regional centers,
8 have been shown to greatly improve outcomes for these children.
9 Unfortunately, children in foster care are at increased risk for a
10 disruption in services due to frequent placement changes. These
11 disruptions cause dramatic setbacks in a child's development and
12 well-being.

13 ~~(e) It is imperative that children in foster care be protected from~~
14 ~~interruptions in their developmental services, and thus, a clear set~~
15 ~~of timelines for the transfer process from one regional center's~~
16 ~~catchment area to another's is needed.~~

17 ~~(c) It is imperative that children in foster care experience~~
18 ~~minimal interruptions in developmental services. If circumstances~~
19 ~~do not allow for advance planning during the transfer from one~~
20 ~~regional center's catchment area to another's, it is critical to~~
21 ~~facilitate continuity of services with a minimum of interruption.~~

22 ~~(d) Therefore, regional centers shall put high priority on~~
23 ~~minimizing delays in providing developmental services to children~~
24 ~~in the foster care system.~~

25 ~~SEC. 2. Section 56426.10 is added to the Education Code, to~~
26 ~~read:~~

27 ~~56426.10. The transfer procedures and timelines, as provided~~
28 ~~under subdivision (d) of Section 4643.5 of the Welfare and~~
29 ~~Institutions Code, shall apply if all of the following conditions are~~
30 ~~met:~~

31 ~~(a) The child is under three years of age.~~

1 ~~(b) The child has solely low-incidence disabilities.~~

2 ~~(c) The child is receiving services under this part.~~

3 ~~(d) The child has (1) an order for foster care placement, (2) is~~
4 ~~awaiting foster care placement, or (3) is placed in out-of-home~~
5 ~~care through voluntary placement as defined in subdivision (o) of~~
6 ~~Section 11400 of the Welfare and Institutions Code.~~

7 ~~(e) The child transfers between local educational agencies.~~

8 ~~SEC. 3.~~

9 *SEC. 2.* Section 95014 of the Government Code is amended
10 to read:

11 95014. (a) The term “eligible infant or toddler” for the
12 purposes of this title means infants and toddlers from birth through
13 two years of age, for whom a need for early intervention services,
14 as specified in the federal Individuals with Disabilities Education
15 Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is
16 documented by means of assessment and evaluation as required
17 in Sections 95016 and 95018 and who meet one of the following
18 criteria:

19 (1) Infants and toddlers with a developmental delay in one or
20 more of the following five areas: cognitive development; physical
21 and motor development, including vision and hearing;
22 communication development; social or emotional development;
23 or adaptive development. Developmentally delayed infants and
24 toddlers are those who are determined to have a significant
25 difference between the expected level of development for their
26 age and their current level of functioning. This determination shall
27 be made by qualified personnel who are recognized by, or part of,
28 a multidisciplinary team, including the parents. A significant
29 difference is defined as a 33-percent delay in one developmental
30 area before 24 months of age, or, at 24 months of age or older,
31 either a delay of 50 percent in one developmental area or a
32 33-percent delay in two or more developmental areas. The age for
33 use in determination of eligibility for the Early Intervention
34 Program shall be the age of the infant or toddler on the date of the
35 initial referral to the Early Intervention Program.

36 (2) Infants and toddlers with established risk conditions, who
37 are infants and toddlers with conditions of known etiology or
38 conditions with established harmful developmental consequences.
39 The conditions shall be diagnosed by qualified personnel
40 recognized by, or part of, a multidisciplinary team, including the

1 parents. The condition shall be certified as having a high
2 probability of leading to developmental delay if the delay is not
3 evident at the time of diagnosis.

4 (b) Regional centers and local educational agencies shall be
5 responsible for ensuring that eligible infants and toddlers are served
6 as follows:

7 (1) The State Department of Developmental Services and
8 regional centers shall be responsible for the provision of
9 appropriate early intervention services that are required for
10 California's participation in Part C of the federal Individuals with
11 Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all
12 infants eligible under Section 95014, except for those infants with
13 solely a visual, hearing, or severe orthopedic impairment, or any
14 combination of those impairments, who meet the criteria in
15 Sections 56026 and 56026.5 of the Education Code, and in Section
16 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the
17 California Code of Regulations.

18 (2) The State Department of Education and local educational
19 agencies shall be responsible for the provision of appropriate early
20 intervention services in accordance with Part C of the federal
21 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431
22 et seq.) for infants with solely a visual, hearing, or severe
23 orthopedic impairment, or any combination of those impairments,
24 who meet the criteria in Sections 56026 and 56026.5 of the
25 Education Code, and in Section 3030(a), (b), (d), or (e) of, and
26 Section 3031 of, Title 5 of the California Code of Regulations,
27 and who are not eligible for services under the Lanterman
28 Developmental Disabilities Services Act (Division 4.5
29 (commencing with Section 4500) of the Welfare and Institutions
30 Code).

31 (3) The transfer procedures and timelines, as provided under
32 subdivision (d) of Section 4643.5 of the Welfare and Institutions
33 Code, shall apply if the circumstances pertaining to an eligible
34 infant or toddler are that the child (A) has an order for foster care
35 placement, is awaiting foster care placement, or is placed in
36 out-of-home care through voluntary placement as defined in
37 subdivision (o) of Section 11400 of the Welfare and Institutions
38 Code, and (B) transfers between regional centers or local
39 educational agencies.

(c) For infants and toddlers and their families who are eligible to receive services from both a regional center and a local educational agency, the regional center shall be the agency responsible for providing or purchasing appropriate early intervention services that are beyond the mandated responsibilities of local educational agencies and that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational agency shall provide special education services up to its funded program capacity as established annually by the State Department of Education in consultation with the State Department of Developmental Services and the Department of Finance.

(d) No agency or multidisciplinary team, including any agency listed in Section 95012, shall presume or determine eligibility, including eligibility for medical services, for any other agency. However, regional centers and local educational agencies shall coordinate intake, evaluation, assessment, and individualized family service plans for infants and toddlers and their families who are served by an agency.

(e) Upon termination of the program pursuant to Section 95003, the State Department of Developmental Services shall be responsible for the payment of services pursuant to this title.

~~SEC. 4. Section 4514 of the Welfare and Institutions Code is amended to read:~~

~~4514. All information and records obtained in the course of providing intake, assessment, and services under Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100) to persons with developmental disabilities shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:~~

~~(a) In communications between qualified professional persons, whether employed by a regional center or state developmental center, or not, in the provision of intake, assessment, and services or appropriate referrals. The consent of the person with a developmental disability, or his or her guardian or conservator, shall be obtained before information or records may be disclosed~~

1 by regional center or state developmental center personnel to a
2 professional not employed by the regional center or state
3 developmental center, or a program not vendored by a regional
4 center or state developmental center.

5 (b) When the person with a developmental disability, who has
6 the capacity to give informed consent, designates individuals to
7 whom information or records may be released, except that nothing
8 in this chapter shall be construed to compel a physician and
9 surgeon, psychologist, social worker, marriage and family therapist,
10 professional clinical counselor, nurse, attorney, or other
11 professional to reveal information that has been given to him or
12 her in confidence by a family member of the person unless a valid
13 release has been executed by that family member.

14 (c) To the extent necessary for a claim, or for a claim or
15 application to be made on behalf of a person with a developmental
16 disability for aid, insurance, government benefit, or medical
17 assistance to which he or she may be entitled:

18 (d) If the person with a developmental disability is a minor,
19 dependent ward, or conservatee, and his or her parent, guardian,
20 conservator, limited conservator with access to confidential records,
21 or authorized representative, designates, in writing, persons to
22 whom records or information may be disclosed, except that nothing
23 in this chapter shall be construed to compel a physician and
24 surgeon, psychologist, social worker, marriage and family therapist,
25 professional clinical counselor, nurse, attorney, or other
26 professional to reveal information that has been given to him or
27 her in confidence by a family member of the person unless a valid
28 release has been executed by that family member.

29 (e) For research, provided that the Director of Developmental
30 Services designates by regulation rules for the conduct of research
31 and requires the research to be first reviewed by the appropriate
32 institutional review board or boards. These rules shall include, but
33 need not be limited to, the requirement that all researchers shall
34 sign an oath of confidentiality as follows:

35
36 - “ _____
37 - _____
38 Date

39 As a condition of doing research concerning persons with
40 developmental disabilities who have received services from _____

(fill in the facility, agency or person), I, _____, agree to obtain the prior informed consent of persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, or the person's parent, guardian, or conservator, and I further agree not to divulge any information obtained in the course of the research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services so those persons who received services are identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

- _____
Signed

(f) To the courts, as necessary to the administration of justice.
(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Committee on Rules or the Assembly Committee on Rules for the purposes of legislative investigation authorized by the committee.

(i) To the courts and designated parties as part of a regional center report or assessment in compliance with a statutory or regulatory requirement, including, but not limited to, Section 1827.5 of the Probate Code, Sections 1001.22 and 1370.1 of the Penal Code, and Section 6502 of the Welfare and Institutions Code.

(j) To the attorney for the person with a developmental disability in any and all proceedings upon presentation of a release of information signed by the person, except that when the person lacks the capacity to give informed consent, the regional center or state developmental center director or designee, upon satisfying himself or herself of the identity of the attorney, and of the fact that the attorney represents the person, shall release all information and records relating to the person except that nothing in this article shall be construed to compel a physician and surgeon, psychologist, social worker, marriage and family therapist, professional clinical counselor, nurse, attorney, or other professional to reveal

1 information that has been given to him or her in confidence by a
2 family member of the person unless a valid release has been
3 executed by that family member.

4 (k) Upon written consent by a person with a developmental
5 disability previously or presently receiving services from a regional
6 center or state developmental center, the director of the regional
7 center or state developmental center, or his or her designee, may
8 release any information, except information that has been given
9 in confidence by members of the family of the person with
10 developmental disabilities, requested by a probation officer charged
11 with the evaluation of the person after his or her conviction of a
12 crime if the regional center or state developmental center director
13 or designee determines that the information is relevant to the
14 evaluation. The consent shall only be operative until sentence is
15 passed on the crime of which the person was convicted. The
16 confidential information released pursuant to this subdivision shall
17 be transmitted to the court separately from the probation report
18 and shall not be placed in the probation report. The confidential
19 information shall remain confidential except for purposes of
20 sentencing. After sentencing, the confidential information shall be
21 sealed.

22 (l) Between persons who are trained and qualified to serve on
23 “multidisciplinary personnel” teams pursuant to subdivision (d)
24 of Section 18951. The information and records sought to be
25 disclosed shall be relevant to the prevention, identification,
26 management, or treatment of an abused child and his or her parents
27 pursuant to Chapter 11 (commencing with Section 18950) of Part
28 6 of Division 9.

29 (m) When a person with a developmental disability dies from
30 any cause, natural or otherwise, while hospitalized in a state
31 developmental center, the State Department of Developmental
32 Services, the physician and surgeon in charge of the client, or the
33 professional in charge of the facility or his or her designee, shall
34 release information and records to the coroner. The State
35 Department of Developmental Services, the physician and surgeon
36 in charge of the client, or the professional in charge of the facility
37 or his or her designee, shall not release any notes, summaries,
38 transcripts, tapes, or records of conversations between the resident
39 and health professional personnel of the hospital relating to the
40 personal life of the resident that is not related to the diagnosis and

1 treatment of the resident's physical condition. Any information
2 released to the coroner pursuant to this section shall remain
3 confidential and shall be sealed and shall not be made part of the
4 public record.

5 (n) ~~To authorized licensing personnel who are employed by, or~~
6 ~~who are authorized representatives of, the State Department of~~
7 ~~Public Health, and who are licensed or registered health~~
8 ~~professionals, and to authorized legal staff or special investigators~~
9 ~~who are peace officers who are employed by, or who are authorized~~
10 ~~representatives of, the State Department of Social Services, as~~
11 ~~necessary to the performance of their duties to inspect, license,~~
12 ~~and investigate health facilities and community care facilities, and~~
13 ~~to ensure that the standards of care and services provided in these~~
14 ~~facilities are adequate and appropriate and to ascertain compliance~~
15 ~~with the rules and regulations to which the facility is subject. The~~
16 ~~confidential information shall remain confidential except for~~
17 ~~purposes of inspection, licensing, or investigation pursuant to~~
18 ~~Chapter 2 (commencing with Section 1250) and Chapter 3~~
19 ~~(commencing with Section 1500) of Division 2 of the Health and~~
20 ~~Safety Code, or a criminal, civil, or administrative proceeding in~~
21 ~~relation thereto. The confidential information may be used by the~~
22 ~~State Department of Public Health or the State Department of~~
23 ~~Social Services in a criminal, civil, or administrative proceeding.~~
24 ~~The confidential information shall be available only to the judge~~
25 ~~or hearing officer and to the parties to the case. Names which are~~
26 ~~confidential shall be listed in attachments separate to the general~~
27 ~~pleadings. The confidential information shall be sealed after the~~
28 ~~conclusion of the criminal, civil, or administrative hearings, and~~
29 ~~shall not subsequently be released except in accordance with this~~
30 ~~subdivision. If the confidential information does not result in a~~
31 ~~criminal, civil, or administrative proceeding, it shall be sealed after~~
32 ~~the State Department of Public Health or the State Department of~~
33 ~~Social Services decides that no further action will be taken in the~~
34 ~~matter of suspected licensing violations. Except as otherwise~~
35 ~~provided in this subdivision, confidential information in the~~
36 ~~possession of the State Department of Public Health or the State~~
37 ~~Department of Social Services shall not contain the name of the~~
38 ~~person with a developmental disability.~~

39 (o) ~~To any board which licenses and certifies professionals in~~
40 ~~the fields of mental health and developmental disabilities pursuant~~

1 to state law, when the Director of Developmental Services has
2 reasonable cause to believe that there has occurred a violation of
3 any provision of law subject to the jurisdiction of a board and the
4 records are relevant to the violation. The information shall be
5 sealed after a decision is reached in the matter of the suspected
6 violation, and shall not subsequently be released except in
7 accordance with this subdivision. Confidential information in the
8 possession of the board shall not contain the name of the person
9 with a developmental disability.

10 (p) To governmental law enforcement agencies by the director
11 of a regional center or state developmental center, or his or her
12 designee, when (1) the person with a developmental disability has
13 been reported lost or missing or (2) there is probable cause to
14 believe that a person with a developmental disability has
15 committed, or has been the victim of, murder, manslaughter,
16 mayhem, aggravated mayhem, kidnapping, robbery, carjacking,
17 assault with the intent to commit a felony, arson, extortion, rape,
18 forcible sodomy, forcible oral copulation, assault or battery, or
19 unlawful possession of a weapon, as provided in any provision
20 listed in Section 16590 of the Penal Code.

21 This subdivision shall be limited solely to information directly
22 relating to the factual circumstances of the commission of the
23 enumerated offenses and shall not include any information relating
24 to the mental state of the patient or the circumstances of his or her
25 treatment unless relevant to the crime involved.

26 This subdivision shall not be construed as an exception to, or in
27 any other way affecting, the provisions of Article 7 (commencing
28 with Section 1010) of Chapter 4 of Division 8 of the Evidence
29 Code, or Chapter 11 (commencing with Section 15600) and
30 Chapter 13 (commencing with Section 15750) of Part 3 of Division
31 9.

32 (q) To the Division of Juvenile Facilities and Department of
33 Corrections and Rehabilitation or any component thereof, as
34 necessary to the administration of justice.

35 (r) To an agency mandated to investigate a report of abuse filed
36 pursuant to either Section 11164 of the Penal Code or Section
37 15630 of the Welfare and Institutions Code for the purposes of
38 either a mandated or voluntary report or when those agencies
39 request information in the course of conducting their investigation.

~~(s) When a person with developmental disabilities, or the parent, guardian, or conservator of a person with developmental disabilities who lacks capacity to consent, fails to grant or deny a request by a regional center or state developmental center to release information or records relating to the person with developmental disabilities within a reasonable period of time, the director of the regional or developmental center, or his or her designee, may release information or records on behalf of that person provided both of the following conditions are met:~~

~~(1) Release of the information or records is deemed necessary to protect the person's health, safety, or welfare.~~

~~(2) The person, or the person's parent, guardian, or conservator, has been advised annually in writing of the policy of the regional center or state developmental center for release of confidential client information or records when the person with developmental disabilities, or the person's parent, guardian, or conservator, fails to respond to a request for release of the information or records within a reasonable period of time. A statement of policy contained in the client's individual program plan shall be deemed to comply with the notice requirement of this paragraph.~~

~~(t) (1) When an employee is served with a notice of adverse action, as defined in Section 19570 of the Government Code, the following information and records may be released:~~

~~(A) All information and records that the appointing authority relied upon in issuing the notice of adverse action.~~

~~(B) All other information and records that are relevant to the adverse action, or that would constitute relevant evidence as defined in Section 210 of the Evidence Code.~~

~~(C) The information described in subparagraphs (A) and (B) may be released only if both of the following conditions are met:~~

~~(i) The appointing authority has provided written notice to the consumer and the consumer's legal representative or, if the consumer has no legal representative or if the legal representative is a state agency, to the clients' rights advocate, and the consumer, the consumer's legal representative, or the clients' rights advocate has not objected in writing to the appointing authority within five business days of receipt of the notice, or the appointing authority, upon review of the objection has determined that the circumstances on which the adverse action is based are egregious or threaten the~~

1 health, safety, or life of the consumer or other consumers and
2 without the information the adverse action could not be taken.

3 (ii) The appointing authority, the person against whom the
4 adverse action has been taken, and the person's representative, if
5 any, have entered into a stipulation that does all of the following:

6 (I) Prohibits the parties from disclosing or using the information
7 or records for any purpose other than the proceedings for which
8 the information or records were requested or provided.

9 (II) Requires the employee and the employee's legal
10 representative to return to the appointing authority all records
11 provided to them under this subdivision, including, but not limited
12 to, all records and documents or copies thereof that are no longer
13 in the possession of the employee or the employee's legal
14 representative because they were from any source containing
15 confidential information protected by this section, and all copies
16 of those records and documents, within 10 days of the date that
17 the adverse action becomes final except for the actual records and
18 documents submitted to the administrative tribunal as a component
19 of an appeal from the adverse action.

20 (III) Requires the parties to submit the stipulation to the
21 administrative tribunal with jurisdiction over the adverse action
22 at the earliest possible opportunity.

23 (2) For the purposes of this subdivision, the State Personnel
24 Board may, prior to any appeal from adverse action being filed
25 with it, issue a protective order, upon application by the appointing
26 authority, for the limited purpose of prohibiting the parties from
27 disclosing or using information or records for any purpose other
28 than the proceeding for which the information or records were
29 requested or provided, and to require the employee or the
30 employee's legal representative to return to the appointing authority
31 all records provided to them under this subdivision, including, but
32 not limited to, all records and documents from any source
33 containing confidential information protected by this section, and
34 all copies of those records and documents, within 10 days of the
35 date that the adverse action becomes final, except for the actual
36 records and documents that are no longer in the possession of the
37 employee or the employee's legal representatives because they
38 were submitted to the administrative tribunal as a component of
39 an appeal from the adverse action.

~~(3) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.~~

~~(4) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the administrative tribunal, be placed under administrative seal and shall not, thereafter, be subject to disclosure to any person or entity except upon the issuance of an order of a court of competent jurisdiction.~~

~~(5) For purposes of this subdivision, an adverse action becomes final when the employee fails to answer within the time specified in Section 19575 of the Government Code, or, after filing an answer, withdraws the appeal, or, upon exhaustion of the administrative appeal or of the judicial review remedies as otherwise provided by law.~~

~~(u) (1) To the education rights holder or the developmental services decisionmaker for a minor, dependent, or ward pursuant to Section 319, 361, or 726.~~

~~(2) Notwithstanding subdivision (a) of Section 4725 or any other law, any consumer or infant or toddler receiving early intervention services who (A) has an order for foster care placement, (B) is awaiting foster care placement, or (C) is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400, shall be entitled, directly or through his or her legally authorized representative, attorney, education rights holder, or developmental services decisionmaker, to a complete copy, or any requested portion thereof, at no charge, of his or her regional center records, as defined in subdivision (b) of Section 4725, upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. This paragraph shall not be construed to allow the release of any records in violation of the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).~~

1 ~~(v) To a protection and advocacy agency established pursuant~~
2 ~~to Section 4901, to the extent that the information is incorporated~~
3 ~~within any of the following:~~

4 ~~(1) An unredacted facility evaluation report form or an~~
5 ~~unredacted complaint investigation report form of the State~~
6 ~~Department of Social Services. This information shall remain~~
7 ~~confidential and subject to the confidentiality requirements of~~
8 ~~subdivision (f) of Section 4903.~~

9 ~~(2) An unredacted citation report, unredacted licensing report,~~
10 ~~unredacted survey report, unredacted plan of correction, or~~
11 ~~unredacted statement of deficiency of the State Department of~~
12 ~~Public Health, prepared by authorized licensing personnel or~~
13 ~~authorized representatives described in subdivision (n). This~~
14 ~~information shall remain confidential and subject to the~~
15 ~~confidentiality requirements of subdivision (f) of Section 4903.~~

16 ~~SEC. 5.~~

17 ~~SEC. 3.~~ Section 4643.5 of the Welfare and Institutions Code
18 is amended to read:

19 4643.5. (a) If a consumer is or has been determined to be
20 eligible for services by a regional center, he or she shall also be
21 considered eligible by any other regional center if he or she has
22 moved to another location within the state.

23 (b) An individual who is determined by any regional center to
24 have a developmental disability shall remain eligible for services
25 from regional centers unless a regional center, following a
26 comprehensive reassessment, concludes that the original
27 determination that the individual has a developmental disability
28 is clearly erroneous.

29 (c) Whenever a consumer transfers from one regional center
30 catchment area to another, the level and types of services and
31 supports specified in the consumer's individual program plan (IPP)
32 shall be authorized and secured, if available, pending the
33 development of a new ~~(IPP)~~ *IPP* for the consumer. If these services
34 and supports do not exist, the regional center shall convene a
35 meeting to develop a new ~~(IPP)~~ *IPP* within 30 days. Prior to
36 approval of the new ~~(IPP)~~, *IPP*, the regional center shall provide
37 alternative services and supports that best meet the ~~(IPP)~~ *IPP*
38 objectives in the least restrictive setting. The department shall
39 develop guidelines that describe the responsibilities of regional
40 centers in ensuring a smooth transition of services and supports

1 from one regional center to another, including, but not limited to,
2 pretransferring planning and a dispute resolution process to resolve
3 disagreements between regional centers regarding their
4 responsibilities related to the transfer of case management services.

5 ~~(d) (1) If a consumer is transferring from one regional center's~~
6 ~~catchment area to a different regional center's catchment area and~~
7 ~~(A) has an order for foster care placement, (B) is awaiting foster~~
8 ~~care placement, or (C) is placed in out-of-home care through~~
9 ~~voluntary placement as defined in subdivision (e) of Section 11400,~~
10 ~~paragraph (2) shall apply.~~

11 *(d) (1) The following procedures shall apply to a consumer*
12 *who is transferred from one regional center's catchment area to*
13 *a different catchment area and meets any of the following*
14 *conditions:*

15 *(A) The consumer has an order for foster care placement.*

16 *(B) The consumer is awaiting foster care placement.*

17 *(C) The consumer is placed in out-of-home care through*
18 *voluntary placement as defined in subdivision (o) of Section 11400.*

19 (2) (A) The county social worker or county probation officer
20 shall immediately send a notice of relocation regarding a consumer
21 who meets the criteria set forth in paragraph (1). The consumer's
22 court-appointed attorney may also provide written notice of
23 relocation. The notice of relocation shall be deemed received when
24 the sending regional center receives written notice of relocation.

25 (B) Upon receiving the notice of relocation, the sending regional
26 center shall immediately send a notice of transfer, *and records*
27 *needed for the planning process, including, but not limited to, the*
28 *current IPP or individualized family services plan (IFSP),*
29 *assessments, contact information for the consumer, the caregiver,*
30 *the consumer's legal guardian, the current developmental services*
31 *decisionmaker, and the current educational rights holder, by*
32 *priority mail, facsimile, or electronic mail, to the receiving regional*
33 *center.*

34 ~~(C) The sending regional center shall prepare and send the~~
35 ~~physical case file to the receiving regional center no later than 10~~
36 ~~business days following the receipt of the notice of relocation.~~

37 ~~(3) The receiving regional center shall accept financial~~
38 ~~responsibility for the consumer's case and notify the caregiver,~~
39 ~~parent, if education rights have not been terminated, educational~~
40 ~~rights holder or developmental services decisionmaker, as~~

1 applicable, county social worker or county probation officer, as
2 applicable, and county placing agency of the assignment of a
3 service coordinator, within two business days of receipt of the
4 notice of transfer.

5 (4) (A) Notwithstanding subdivision (g) of Section 4646,
6 services and supports, as provided for in the consumer's current
7 IPP, shall commence within five business days from the date the
8 sending regional center received the notice of relocation.

9 (B) If identical services to those provided in the existing IPP
10 are not available, the receiving regional center shall, within five
11 business days of the notice of relocation, provide comparable
12 services until a new IPP meeting can be held to determine
13 appropriate services. In all cases, a new IPP meeting shall be held
14 within 30 calendar days after the notice of relocation is sent.

15 (C) In preparation for the new IPP meeting, as described in
16 subparagraph (B), the receiving regional center shall, within three
17 business days after receiving the notice of transfer, contact the
18 consumer's county social worker or county probation officer to
19 determine the legal status of the consumer's case. If the parent's,
20 guardian's, or current developmental services decisionmaker's
21 rights have not been limited, the receiving regional center shall
22 immediately attempt to notify the individual of the IPP meeting
23 described in subparagraph (B) and confirm the individual's intent
24 to participate in the IPP meeting. The attempts to notify the
25 individual shall occur daily by telephone or in writing on three
26 consecutive business days after the notice of transfer is received.
27 All attempts to notify the individual of the IPP meeting shall be
28 documented in the consumer's file.

29 (D) After three failed attempts to notify and obtain confirmation
30 of participation in the IPP meeting described in subparagraph (B),
31 the receiving regional center shall immediately provide written
32 notice to the court of jurisdiction, to the county placing agency,
33 and to the consumer's attorney that the appointment of a new
34 developmental services decisionmaker may be necessary.

35 (C) (i) *The receiving regional center shall, as soon as possible,*
36 *provide the sending regional center with contact information for*
37 *a staff member who is available to confer with the planning team*
38 *at the sending regional center regarding the types of services and*
39 *vendors available to address the service needs of the consumer in*
40 *his or her new residential location.*

1 (ii) Within 14 days of the notice of transfer, the receiving
2 regional center shall provide authorization as needed to allow the
3 sending regional center to contract for services from appropriate
4 vendors through the courtesy vendorization process, as well as
5 information regarding appropriate vendors and services to meet
6 the needs of the consumer.

7 (iii) The sending regional center shall confer with the planning
8 team and, using information provided by the receiving regional
9 center, determine whether changes to the current IPP or IFSP are
10 needed to meet the service needs of the consumer in the new
11 residential location.

12 (iv) Prior to transfer of case management, the sending regional
13 center shall ensure that services needed to support the consumer
14 in the new residential location are included in the IPP or IFSP, a
15 new service coordinator has been assigned, and the consumer is
16 receiving the services and supports listed in the new or revised
17 IPP or IFSP.

18 (3) (A) In the case of a consumer receiving services under the
19 Lanterman Act, notwithstanding subdivision (g) of Section 4646,
20 the sending regional center shall make every reasonable effort to
21 initiate services, as provided for in the consumer's current IPP,
22 as soon as possible following the notice of transfer to a new
23 catchment area, but no later than 30 days from the date of notice
24 of transfer. Efforts shall begin in advance of the IPP meeting.

25 (B) No later than 30 calendar days after the notice of transfer,
26 the sending regional center shall report in writing to the court,
27 the county social worker or probation officer, as applicable, and
28 the developmental services decisionmaker, all services that are
29 being provided to the consumer, and the process to secure any
30 additional services that have been identified in the consumer's
31 IPP but not yet initiated. If all services identified in the consumer's
32 IPP have not been initiated within 30 days, the regional center
33 shall report in writing to the court, county social worker, probation
34 officer, as applicable, and the developmental services
35 decisionmaker at 30-day intervals until all services are initiated.

36 ~~(E)~~

37 (C) (i) Services shall continue to be provided pursuant to
38 subparagraph (A), pending the court's appointment of a
39 developmental services decisionmaker, pursuant to subdivision

(g) of Section 319, subdivision (a) of Section 361, or subdivision (b) of Section 726.

(ii) If the regional center is unable to obtain confirmation of the parent's, guardian's, or current developmental services decisionmaker's participation in the IPP meeting, the regional center shall notify the court having jurisdiction, the county placing agency, and the consumer's attorney that the appointment of a new developmental services decisionmaker may be necessary.

(5)

(4) In the case of a consumer receiving services under the California Early Intervention Program pursuant to Title 14 (commencing with Section 95000) of the Government Code, the following procedures shall apply:

~~(A) All services for which additional consent is not necessary shall be initiated by the receiving regional center within five business days of notice of relocation.~~

~~(B) If identical services to those provided in the existing individualized family service plan (IFSP) are not available, the receiving regional center shall, within five business days from receipt of the notice of relocation, provide comparable services until a new IFSP meeting can be held to determine appropriate services. In all cases, a new IFSP meeting shall be held within 30 days of receipt of the notice of relocation.~~

~~(C) (i) If additional consent is required before implementing any services upon receiving the notice of transfer, the receiving regional center shall immediately attempt to obtain consent from the parent, guardian, or education rights holder, as applicable. The attempts to obtain consent shall occur daily by telephone or in writing on three consecutive business days after the notice of transfer is received. All attempts to obtain consent shall be documented in the consumer's file.~~

~~(ii) After three failed attempts to obtain consent in the consecutive three business days from the receipt of the notice of transfer, the receiving regional center shall immediately do both of the following:~~

~~(I) Appoint an interim surrogate parent pursuant to Section 303.422 of Title 34 of the Code of Federal Regulations and Section 52175 of Title 17 of the California Code of Regulations and give preference to a current caregiver, relative, or other adult known to the child over someone who is not known to the child.~~

~~(H) Provide written notice to the court of jurisdiction, to the county social worker or county probation officer, as applicable, and to the consumer's attorney that an appointment of a new educational rights holder may be necessary and that the receiving regional center has appointed an interim surrogate parent.~~

~~(iii) The receiving regional center's appointment of an interim surrogate parent shall be temporary, and shall be superseded by the court's appointment of an education rights holder, pursuant to subdivision (g) of Section 319, subdivision (a) of Section 361, or subdivision (b) of Section 726, as applicable.~~

~~(D) If the receiving regional center has undertaken the procedures described in clauses (i) and (ii) of subparagraph (C), and has documented those efforts in the consumer's case file, the timeline for initiating services shall be eight business days from the receipt of the notice of relocation.~~

(A) The sending regional center shall make every reasonable effort to initiate services, as provided for in the consumer's current IFSP, as soon as possible following the notice of transfer but no later than 30 calendar days from the date of notice of transfer. Efforts shall begin in advance of the IFSP meeting.

(B) Within 30 calendar days of the notice of transfer, the sending regional center shall report in writing to the court, the county social worker or probation officer, as applicable, and the educational rights holder, all services that are being provided to the consumer, and the process to secure any additional services that have been identified in the consumer's IFSP but not initiated. If all services identified in the consumer's IFSP have not been initiated within 30 days, the regional center shall report in writing to the court, county social worker, probation officer, as applicable, and the educational rights holder at 30-day intervals until all services are initiated.

(C) (i) Services not requiring consent shall continue to be provided pursuant to subparagraph (A) pending the court's appointment of an educational rights holder, pursuant to subdivision (g) of Section 319, subdivision (a) of Section 361, or subdivision (b) of Section 726.

(ii) If the regional center is unable to obtain confirmation of the parent's, guardian's, or current educational rights holder participation in the IFSP meeting, the regional center shall notify the court of jurisdiction, the county placing agency, and the

1 *consumer's attorney that the appointment of a new educational*
2 *rights holder may be necessary.*

3 ~~(6)~~

4 (5) The regional center of origin and the consumer's parent,
5 ~~education~~ *educational* rights holder, or developmental services
6 decisionmaker, as applicable, may agree that the regional center
7 of origin will continue to serve the consumer and not transfer the
8 case to the regional center in the consumer's new catchment area
9 only if the regional center of origin continues to provide all of the
10 services in the consumer's IPP or IFSP. The regional center of
11 origin shall notify the regional center in the consumer's new
12 catchment area within two business days of the receipt of the notice
13 of relocation that the regional center of origin will continue to
14 provide services despite the consumer's relocation.

15 ~~(7) For purposes of this section, initiation of services means the~~
16 ~~point at which the consumer begins to receive a particular service~~
17 ~~and may include assessment procedures for services, if necessary,~~
18 ~~if those services begin immediately following the completion of~~
19 ~~the assessment.~~

20 ~~(8) The procedures and timelines set forth in paragraphs (1) to~~
21 ~~(7), inclusive, as applicable, shall apply to local educational~~
22 ~~agencies, as set forth in Section 56426.10 of the Education Code.~~

23 (e) For purposes of this section, the following definitions shall
24 apply:

25 (1) "Consumer" refers to individuals as defined in Section 4512
26 and any eligible infant or toddler, as defined in Section 95014 of
27 the Government Code.

28 (2) *"Initiation of services" means the point at which the*
29 *consumer begins to receive a particular service and may include*
30 *assessment procedures for services, if necessary, if those services*
31 *begin immediately following the completion of the assessment.*

32 ~~(2)~~

33 (3) "Notice of relocation" means a written notice informing a
34 regional center that currently serves a consumer described in
35 subdivision (d) that the consumer has been relocated to a foster
36 home that is located in a catchment area that is not served by that
37 regional center. "Notice of relocation" includes, at a minimum,
38 the consumer's name, date of birth, and current address, and the
39 name of the consumer's caregiver.

40 ~~(3)~~

(4) “Notice of transfer” means a written notice that a consumer described in paragraph (1) of subdivision (d) is transferring from a regional center located in one catchment area to a regional center located in a different catchment area and includes, at a minimum, the following information:

(A) The consumer’s name and date of birth.

(B) The name *of*, and contact information ~~of~~ *for*, the consumer’s parent, or the consumer’s ~~education right~~ *educational rights* holder or developmental services decisionmaker, if applicable.

(C) The name *of*, and contact information *for*, the consumer’s current caregiver.

(D) A copy of the consumer’s current IFSP or IPP.

(E) *The name of, and contact information for, the child’s county social workers.*

~~SEC. 6.~~

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.